

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

PERRY L. BROWN,
No. N98544,

Plaintiff,

vs.

ILLINOIS DEPT. OF CORRECTIONS,

Defendants.

CIVIL NO. 13-793-GPM

MEMORANDUM AND ORDER

MURPHY, District Judge:

On August 5, 2013, Plaintiff Perry L. Brown, an inmate in the custody of the Illinois Department of Corrections, housed at Lawrence Correctional Center, filed a document captioned “Preliminary Injunction/Temporary Restraining Order” (Doc. 1). No complaint was filed; therefore, the Court could not ascertain the basis for jurisdiction. *See Bell v. Hood*, 327 U.S. 678, 681-82 (1946); *Greater Chicago Combine and Ctr., Inc. v. City of Chicago*, 431 F.3d 1065, 1069-70 (7th Cir. 2005). By Order dated August 6, 2013 (Doc. 3), the Court directed Plaintiff to file a complaint by August 27, 2013.

Plaintiff was forewarned that failure to file a proper complaint by the prescribed deadline would result in the dismissal of this action for lack of subject matter jurisdiction, that such a dismissal would count as one of his allotted “strikes” under the provisions of 28 U.S.C. § 1915(g), and that Plaintiff would remain obligated to pay the filing fee. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). The Clerk of Court even sent Plaintiff a

blank civil rights complaint form and Instructions for Filing a Pro Se Civil Complaint for Civil Rights Violations.

Plaintiff has not filed a complaint and the deadline for doing so has passed. It appears that Plaintiff has abandoned this action.

IT IS THEREFORE ORDERED that pursuant to Federal Rule of Civil Procedure 41(b), this action is **DISMISSED with prejudice** for failure to comply with a court order and failure to prosecute this action. This action is deemed frivolous for purposes of Section 1915(g); therefore Plaintiff will be allotted a **STRIKE** under the provisions of 28 U.S.C. § 1915(g). Judgment shall enter accordingly and this case is closed.

IT IS SO ORDERED.

DATED: September 13, 2013

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge